



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department: Human Resource Management
Subject: Background Checks – General Employees

Policy Number: 6-26
Supersedes: 12/22/03
Date Issued: 07/01/06

I. INTRODUCTION

This policy does not apply to juvenile services positions. Juvenile services positions, including public safety positions that serve juveniles, are governed by Administrative Procedure 6-16. The purpose of this administrative procedure is to outline procedures for conducting criminal background checks on all applicants for full time and part time positions in covered positions and all employees who are being promoted to a covered position in their own or another department or applying for a transfer to a covered position in another department. Covered positions are defined in Section II. In order to preserve integrity of county government and the safety and well being of citizens and all county employees, the county will not employ individuals if they have demonstrated past conduct incompatible with service to the public. This policy is not intended to supersede or control background investigation procedures already in effect for departments that have background check requirements that exceed the requirements of this policy or that have procedures that may otherwise be required by law.

II. IMPLEMENTATION

HRM shall implement and administer this policy.

- A. **New Hires** – Each applicant offered employment with the county shall be required, as a condition of their employment, to submit to fingerprinting and to execute a completed Release of Information form to be forwarded through the Central Criminal Records Exchange (CCRE) to the Federal Bureau of Investigations for the purpose of obtaining national criminal history record information regarding such applicant. The Release and Certification Form is automated and available on HRM's intranet site. Failure to submit a completed form or complete all information truthfully shall result in the applicant being ineligible for employment. All persons hired shall be given a conditional offer of employment and be permitted to begin work subject to completion of a satisfactory background check.
- B. **Current Employees Changing Positions** – Employees who are being promoted to a position in their own or another department or who are applying for a transfer to a position in another department must submit to fingerprinting and execute a release form to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information. Employees shall be given a conditional promotional or transfer offer and be permitted to start their new position subject to completion of a satisfactory background check. Failure to complete all information truthfully will result in disciplinary action for current county employees up to and including termination.
- C. **Falsification of the Employment Application** - Falsification of the criminal background section of the employment application will render the applicant/employee ineligible to reapply with the county or reapply for promotion/transfer.
- D. **Juvenile Services Positions** – All applicants and employees applying for juvenile services positions must comply with the provisions of Administrative Procedure 6-16.

III. APPLICABLE DATA BASES

HRM shall process each Release of Information Form in order to receive information from the Central Criminal Record Exchange ("CCRE") maintained by the State Police; the Court Access Information

System (CAIS) maintained by the Virginia Supreme Court; the Sex Offenders and Crimes Against Minors Registry; and other databases legally accessible by the County.

IV. DISQUALIFYING RESULTS

No person shall be employed or retained for employment if the results of a background check show information, which would adversely affect the applicant's ability to perform successfully the specific responsibilities of the position applied for or in the case of existing employees, the position they currently hold. In determining whether or not an individual's criminal background disqualifies the individual from employment with the county, the following factors may be considered:

- A. The number of convictions in the applicant's/employee's past
- B. The nature and seriousness of the offending conduct
- C. How the past conduct relates to the particular functions of the job or the ability, capacity, or fitness required to perform the duties of the job
- D. The degree of public contact in the job
- E. The length of time since the conviction
- F. The circumstances of any convictions
- G. The applicant's/employee's employment history prior to and since the offending conduct
- H. Rehabilitation of the individual
- I. How such conduct could affect the integrity of the workplace
- J. The age of the individual at the time of conviction
- K. The extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved.

Based on the results of the background check, the employee may be disqualified for promotion/transfer and subject to situationally appropriate discipline, depending on the seriousness of the disqualifying conduct and the impact on the employee's ability to continue to perform current job duties.

If the search returns information regarding any employee, HRM and, as appropriate, the Department Director and the County Attorney, shall determine whether such information disqualifies the individual for employment in accordance with Section III.

The department shall consult with HRM prior to disciplining employees related to background check information.

V. DISSEMINATION OF RESULTS

All background search results shall be accessed solely by HRM. At the conclusion of the background check, an applicant/employee may review a copy of the results.

VI. CONFIDENTIALITY

HRM shall maintain the confidentiality of all records received pursuant to a background search. Departmental management will not be provided with copies of the background investigation unless needed to defend a grievance or legal action.

VII. GRIEVANCE

Any full time, non-probationary employee disciplined as a result of a background search may grieve such discipline in accordance with the county's grievance procedure (Administrative Procedure 6-9).